# CHAPTER III.

## RULES UNDER THE INDIAN FOREST ACT, VII OF 1878, AS AMENDED BY THE FOREST ACT, V OF 1890.

Giving Section Nos. relating to rules under the Act but not included in this Chapter.

**271.** For rules under sections of the Indian Forest Act not included in this Chapter read as follows :—

| Section No. in Forest Act. | Section No. in Standing Orders, Forests. | Section No. in Forest Act. | Section No. in Standing Orders, Forests. |
|---|---|---|---|
| 4 | ... 98—130 *a*. | 16 | ... 121, 142, 143 and 149 |
| 5 | ... 130 *a* | 17 | ... 149 |
| 7 | ... 130 *a*—131 | 18 | ... 146, 147 and 148 |
| 9 | ... 130 *a*—138 | 19 | ... 108, 111, 112 |
| 9A | ... 130 *a* | 24 | ... 139 |
| 10 (*a*) (*d*) | ... 121, 130 *a*, 131, 138 and 141 | 26 | ... 113 to 118 *a*, 130 *b* and 141 |
| 11 | ... 121, 130 *a* and 138 | 28 | ... 109, 111, 132 |
| 12 | ... 130 *a* and 138 | 29*b* | ... 110, 111 |
| 13 | ... 130 *a* and 138 | 31 (*b*) and (i) | ... 206, 206 *a* |
| 14 | ... 121, 130 *a* and 138 | 34 | ... 132 |
| 15 | ... 121, 130 *a*, 138, 141 and 143 | 83 | ... 99 |

NOTE.—The powers of Forest Officers under other Acts are included under "XIII.—Position, Powers, and Functions of Forest Officers" in this Chapter.

### I. SECTION 25 (*a*), CLEARING FOREST LANDS.

Regarding prosecution in the case of illicit fellings in areas notified under section 4 but not notified under section 19 of the Act.

**272.** As regards the question whether under the provisions in section 5 of the Indian Forest Act,* a person who cuts a tree upon land which has been provisionally notified, under section 4, and is awaiting notification under section 19, renders himself liable thereby to prosecution under section 25 (*a*) and to the penalties provided by that section, Government are of opinion that the advisability of prosecuting in such cases would depend in each case very much on the respective rights of Government and the cutters to the trees, but under any circumstances the care and forbearance inculcated in Government Resolution No. 2206, dated 26th April 1880, in instituting such prosecutions should be exercised by the Forest Department.†

Regarding prosecution of persons felling in areas not notified under section 19, Indian Forest Act.

**273.** Pending the completion of enquiry into rights, Government do not desire to prosecute where there is a colourable defence that the accused person supposed himself to be in exercise of a right or custom. In cases where no such defence can be pleaded, prosecution may be allowed, for otherwise the Government forest would be without protection while enquiry is going on.

* And no fresh clearings for cultivation or for any other purpose shall be made in such land.

† Government Resolution No. 3977, dated 3rd June 1886.

### I. Section 25 (a), Clearing Forest Lands.

Protection of areas awaiting notification under section 19 of the Act.

Moreover, where prosecutions are not allowed at present, it does not follow that the rayats should be permitted to set at defiance orders which Government have issued on a reasonable view of their rights. Government may, through their Forest Officers, prevent the exercise by the rayats of asserted rights of which Government deny the existence, leaving the claimants to sue Government in order to establish their claims.*

## II. Section 25 (*b*), Fires.

Protection of special areas from fire.

**274.** The success of fire protection must depend to some extent on the nature of the tract, the attitude of the people and the season. The Conservator of Forests, Central Circle, should be requested to consider whether it is not desirable to take special measures for any of the more valuable teak forest in his Circle. The characteristics of the system of fire protection in this Presidency as compared with other Provinces are, a very low rate of expenditure per square mile, a high percentage of area attempted and a high proportion of failure to that area. The successful protection for a term of years of a comparatively small area of valuable forest appears to the Governor in Council as at present advised to be of greater importance than imperfect protection of a large area, of which perhaps only an inconsiderable portion enjoys continuous immunity for any length of time.†

Joint village responsibility to be enforced for protection of forests from fire.

**275.** More energetic measures are required to quicken the sense of communal responsibility. The general line of action to be taken has been indicated in paragraph 8 of Government Resolution No. 3868, dated 9th June 1902, and paragraph 10 of Government Resolution No. 3805, dated 12th June 1903 (read sections 278 and 280, Standing Orders, Forests) in which the measures‡ taken in Thána were mentioned with approval.

‡ Note.—Enforcement of joint village responsibility.

Similar measures should now be enforced in all districts where forest fires are prevalent. Villages in which fires have been frequent or extensive should be selected, and the villagers should be assembled and formally warned by the Mámlatdár or Range Forest Officer, or when possible by the Divisional Forest Officer and Sub-Divisional Forest Officer, in person, that a recurrence of similarly extensive fires will result in the deprivation of all privileges including grazing. On recurrence of fire after formal warning in the forests of any village, all the privileges, which the village enjoys or such of them as the Collector may consider it advisable to suspend, should be stopped for the ensuing season. At the end of the next season the privileges should be restored unless the Collector, on report of the Divisional Forest Officer, considers that the behaviour of the villagers has not been

* Government Resolutions No. 7844, dated 3rd October 1884; and No. 6425, dated 18th September 1891.

† Government Resolution No. 3868, dated 9th June 1902.

satisfactory, in which case the deprivation of privileges may be continued, with the sanction of the Commissioner for another year. In any case in which the Collector may be of opinion that it will be sufficient to impose the usual fees in respect of a privilege previously enjoyed free, or to double the ordinary fee, instead of stopping the privilege altogether, he is authorized to do so.

He is also authorized to stop only grazing or any other particular privilege or privileges if he considers it unnecessary to suspend them all. But care should be taken to extend the punishment to those classes of persons who are believed to be more immediately responsible for the fires. It will be of little use, for instance, to stop grazing in places where the fires are principally caused by people like Bhils who do not keep cattle for grazing in forests, if the privileges valued by such people, such as hunting or the collection of dead wood, are not suspended at the same time.*

Rewards to persons who render notable assistance in fire protection.

**276.** The system of giving rewards to men who render notable assistance in preventing fires has been tried in Sind and should be extended to the Presidency proper.†

Granting power to certain officers to sanction rewards for help in fire protection.

**277.** His Excellency the Governor in Council is pleased to authorise the officers named below to sanction within the limits specified, the grant of rewards to village officers and other persons, not being servants of the Forest Department, who assist in extinguishing forest fires or furnish information leading to the detection of the cause of forest fires :—

(*a*) Conservators or Deputy Conservators of Forests in charge of circles up to Rs. 20 in the case of each fire.

(*b*) Commissioners in Sind and Commissioners of Division up to Rs. 100 in the case of each fire.

The form of reward should be determined by the officer sanctioning it on the recommendation of the Divisional Forest Officer or other officer concerned, but the concurrence of the Collector of the District should be recorded on the proposal before the reward is sanctioned.‡

Conservators may remit grazing fees.

**277a.** Conservators and Deputy Conservators in charge of Circles may remit grazing fees in cases where villagers have assisted the Forest Department in fire protection and may reduce the fees in villages where cattle trespass has diminished.§

Collectors may redouble grazing fees.

**277b.** Collectors are authorised to redouble the already doubled grazing fees in very bad cases where the villagers show no signs of improvement in fire protection.‖

* Government Resolution No. 7186, dated 13th October 1903.
† Government Resolution No. 3868, dated 9th June 1902.
‡ Government Resolution No. 2587, dated 24th March 1896.
§ Government Resolution No. 9360, dated 15th October 1910.
‖ Government Resolution No. 11535, dated 6th December 1906.

## II. Section 25 (b), Fires.

**278.** In exercise of the powers conferred by section 25, clause (*b*) of the Indian Forest Act (VII of 1878) as amended by section of the Forest Act (V of 1890), the Governor in Council is pleased to make the following rules regarding the kindling of fires or the leaving of fires burning so as to endanger a reserved forest (namely) :—

Kindling, etc., of fire on roads in reserved forests prohibited.

1. Fire shall not be kindled or left burning upon any public or private way, which lies within the boundaries of a reserved forest but is not included in the area thereof, except at such spot as may from time to time be notified locally by the Divisional Forest Officer.

**279.** Precautions to be taken in making ash manure near a reserved forest.

2. No person shall ignite material for making ash-manure in a field adjoining a reserved forest unless he has cleared a fire-path twenty-five feet in width and taken such other precautions such as employing watchers, as are reasonably necessary to prevent fire spreading to the forest.

**280.** Limit within which no fire shall be lit of reserved forest.

3. Except for the purpose of making ash-manure, no fire shall be kindled, elsewhere than in a place used as a human dwelling or in premises appertaining to such dwellings, within a distance of two hundred yards from the boundary of a reserved forest, without the previous written permission of a Forest Officer not lower in rank than an Extra Assistant Conservator.

Period during which these rules are not in force.

**281.** 4. Nothing in these rules shall have operation in the rainy season commencing on the 15th June and ending on the 31st October.*

**282.** Record of fires.

The present system of recording areas burnt by fire is inadequate and the figures reported represent areas which enjoy natural immunity, and give little indication of the success attained by continued precautions. What is required is the most trustworthy information obtainable which will afford some indication of the extent of valuable forest for which continuous protection is desirable, and of the proportion of such forest which has been continuously protected for a term of years. Such areas as are naturally immune should be shown separately and fires in close areas should be differentiated from the less important and apparently less accurately reported fires in open areas.†

NOTE.—For the form giving information called for above see appendices under "Forms submitted with Administration Reports, Form No. 34".

**283.** Fire tracing.

Wherever fire-paths are required in the interests of forest conservancy they must be provided by the Forest Department and, not at the expense of the occupants of

* Government Notification No. 3612, dated 16th May 1895, page 556, Part I, of the *Bombay Government Gazette*.

† Extract from Government Resolution No. 3805, dated 12th June 1903.

*Page 174.*

*For* Sections 278 to 281 *substitute* the following :—

278. In exercise of the powers conferred by section 25, clause (*b*), of the Indian Forest Act, 1878 (VII of 1878), and in supersession of Government Notification No. 3612, dated 14th May 1895, as subsequently amended, the Governor in Council is pleased to make the following rules regarding the kindling of fires or the leaving of fires burning so as to endanger a Reserved Forest, namely :—

Kindling, etc., of fire on roads in Reserved Forests prohibited.

1. Fire shall not be kindled or left burning upon any public or private way which lies within the boundaries of a Reserved Forest but is not included in the area thereof, except at such spots as may from time to time be notified locally by the Divisional Forest Officer.

Precautions to be taken in making ash-manure near a Reserved Forest.

2. No person shall ignite materials for making ash-manure in any field within 200 yards from the boundary of a Reserved Forest, unless—

(i) there is between such boundary and the spot on which such materials are ignited a space at least 25 feet in width which is clear of vegetation capable of carrying fire from such spot to the forest ; and

(ii) such other precautions, such as employing watchers, are taken as are reasonably necessary to prevent fire from spreading to the forest.

Kindling of fire in neighbourhood of a Reserved Forest prohibited.

3. Except for the purposes of making ash-manure, no fire shall be kindled elsewhere than in a place used as a human dwelling or in premises appertaining to such dwelling, within a distance of two hundred yards from the boundary of a Reserved Forest, without the previous written permission of a Forest Officer not lower in rank than an Extra Assistant Conservator.

4. No person shall kindle any fire, or leave any fire burning, at a greater distance than two hundred yards from the boundary of a Reserved Forest in any spot from which the fire may by natural means spread to the forest unless he takes precautions, by clearing a fire-path not less than twenty-five feet in width between such spot and such boundary, or by employing watchers or otherwise, to prevent the fire from so spreading.

Precautions to be taken in kindling fire in neighbourhood of a Reserved Forest.

5. Elsewhere than in the Province of Sind nothing in these rules shall have operation in the rainy season commencing on the 15th June and ending on the 31st October.

Partial operation of rules in the rainy season.

In the foot-note "*" *for* the words "3612, dated 16th May 1895, page 556, Part I, of the *Bombay Government Gazette*," *substitute* "1779, dated 24th February 1913."

II. Section 25 (b), Fires.

the lands bordering on forests or within forest limits. The Forest Department must rely mainly on the exertions of its own establishments for guarding the forests against damage. The establishment of the "coupe" system, under which felling is restricted in each season to specified blocks of forest and entirely prohibited elsewhere, must make conservancy more easy than it was when felling was allowed indiscriminately in all parts of the forests.*

Duties of Magistrates when trying offenders in forest fire cases.

**284.** 1. The following extract from Government of India's Resolution No. 139, dated 5th February 1892, on the subject of forest fires is forwarded to all Magistrates for information and guidance in the Presidency.

2. The setting fire to a reserved forest is a very serious offence and as such, merits severe notice. It is not the actual damage caused at the time that is to be considered, but the injury caused to Government and the people in general by the destruction of the young forest growth and the consequent delay in afforesting the treeless reserves.

3. The District Magistrate has reason to believe that some Magistrates consider the offence a venial one owing to the absence of any 'intention' on the part of the offender. It is not necessary, however, under the Forest Act that intention should be proved. Carelessness in the use of fire by which a reserve is burnt is equally an offence, but in the meting out of punishment a distinction can be made if the Magistrate sees fit.

4. The District Magistrate trusts then that all Magistrates will be very careful in dealing with any such forest cases which are brought before them. Forest fires are unhappily but too frequent in this district, and in most cases it is very difficult to discover their origin, but when an accused has been convicted, the above stated considerations should not be lost sight of, and, when the circumstances establish either deliberate intention or very gross carelessness and disregard of ordinary precautions it is obvious that the punishment awarded should be adequate.

**284a.** *Extract paragraph 7 of letter No. 139 of 5th February 1892 from the Government of India to the Chief Commissioner of Assam reviewing the Progress Report on Forest Administration of Assam for 1890-91 :—*

Fire offences should not as a rule be compounded.

"It is noticeable that out of 17 new cases on account of injury caused to the forests by fire, 13 were compounded. In the opinion of His Excellency in Council, the provisions of section 67 of the Act should only be applied to such cases cautiously and for very special reasons; any action which might tend to foster in the minds of an ignorant population the idea that firing of the forests, whether of set purpose or through culpable negligence, is not a serious offence, or one which in the opinion of Government calls for vigorous

* Government Resolution No 7108, dated 6th September 1892.

II. Section 25 (b), Fires.

suppression, is manifestly to be deprecated. Section 67 was enacted to meet the case of petty offences, like the illicit removal of forest produce; but such cases as those referred to in paragraphs 50 and 51 of the report, in which considerable damage is understood to have been caused by fire to two reserved forests, certainly do not fall within this category."*

Regarding findings of Magistrates in fine cases.

**285.** The statistical information furnished as regards punishments awarded by the Magistracy for forest offences still requires explanation. It has been pointed out by Government that the principal factor in determining the gravity of a forest offence is not the extent of damage committed but the degree of malice or culpable negligence disclosed, and it has been directed that the classification of offences of incendiarism should be based on the Magistrate's opinion. It is impossible to judge from the reports how far these orders have been attended to. The sentences recorded, especially those in Central Thána, seem to show an extraordinary diversity in the standard of punishment. The District Magistrate should pay special attention to this class of cases, call for the proceedings, and examine carefully the grounds upon which the punishments have been determined. The experiment suggested by the Commissioner, C. D., of sending at least a proportion of cases believed to be "malicious" to First Class Magistrates, may be tried. The Governor in Council trusts that in future in reporting results the orders of Government will be more closely followed, and that the statistics supplied will be compiled more intelligently.†

**285a.** Government approve of the proceedings of the conference held for discussing measures for the prevention of forest fires in the West Khándesh District. They also approve of the Conservator's proposals that—

1. If the forests are successfully protected from fire in any village or if on the occurrence of a fire the villagers do all in their power to catch the offender and extinguish the fire—

(*a*) The villagers who burnt the outer forest fire line be paid for such work directly the fire season is over, and

(*b*) The Divisional Forest Officer be empowered to allow the Bhils and other wild tribesmen of such village for their own use on permits free or at reduced rate timber of such of the 22 kinds of trees reserved by No. IX (*b*) of the North Tápti Privilege Code which he may deem advisable. Such timber be supplied in the manner the Divisional Forest Officer may decide to be best so long as the provisions of Sanctioned Working Plan are not interfered with.

2. That these orders come into force from the 1st of November (in the Taloda Range as an experimental measure) and that before that date they be explained to all forest villagers where the order is to take effect carefully and thoroughly.

* Government Resolution No. 4548, dated 24th June 1893.
† Extract, Government Resolution No. 3805, dated 12th June 1903.

II. Section 25 (b), Fires.

3. That the Divisional Forest Officer be empowered to entertain extra guards on daily wages after a fire has occurred till August 1st following; the one and only duty of these extra guards being to patrol the burnt areas and see that the order suspending privileges in such areas is not broken,

and direct that in the notices issued to villagers it should be made clear that it is incumbent on them to assist in preventing or extinguishing fire whether aid has been demanded by Government Officers or not; and insisting continuous and sustained co-operation of the Revenue Officers in working the plans devised for introducing fire protection; it is essential that when adequate measures are taken by Government Officers for such protection offenders should not on conviction be awarded punishments which can have no effect in bringing home to their minds the fact that Government regard the protection of forests from fire as a measure of serious importance which must be enforced. It is the duty of the District Magistrate to see that his subordinate Magistrates understand the position and pass sentences adequate to the gravity of the offence which they find to have been committed.*

**285b.** Grant may be made to the inhabitants of Akráni villages of a reward of Rs. 4 per mile of outer forest boundary fire traces which are done by them without payment, provided that fire-protection in their villages is good.

**285c.** A reward of Rs. 4 in addition to the annual emolument of Re. 1 may be granted to the pátils of the Akráni villages for services performed as pátils, provided that fire-protection in their respective villages is good.

The Commissioner, C. D., is empowered to sanction these payments without reference to Government.†

III. Section 25 (*d*), Grazing.

**286.** Some degree of tact and discretion must be displayed by the Forest officers in cases where cattle are found straying or grazing in the closed reserves. In the case of first offence it will ordinarily suffice to turn the cattle out and warn the owners. In the case of second offence, impounding the animals would be justifiable, and would probably be the only way of convincing their owners that the conservation of the forest was intended to be real.‡

Discretion to be exercised when impounding cattle.

Government do not desire to prevent Forest Officers from impounding animals which are deliberately driven into reserved forests or are allowed through wilful negligence on the part of their owners to stray into such forests, but full consideration

Procedure to be followed in impounding cattle.

* Government Resolution No. 9764, dated 25th September 1908.
† Government Resolution No. 8885, dated 3rd October 1910.
‡ Government Resolution No. 2437, dated 21st March 1885.

should be given to the fact that, while the forests are not closed by fences, it is very difficult to hinder cattle from occasionally entering them, and it is not in the interest of the Forest Department to irritate the people by impounding their cattle for light reasons. If the subordinate officers adhere strictly to the following practice described by the Conservator of Forests, N. C., there will be no cause for complaint :—

> "Cattle which are not properly cared for by their owners, and are not fed by them, but are allowed to pick up a subsistence by pilfering food whenever they can, richly deserve to be inpounded when they come into a plantation or into an improving forest. Cattle deliberately driven into property not their own, or into property known to be 'closed' by lawless Dhangars and other owners of cattle, likewise deserve to be taken to the pound. Cattle which are habitually kept under control, but through accident have strayed or for the presence of which inside a closed forest there may be a reasonable excuse, are not as a rule impounded but the owners are warned to be more careful of them in future."*

Cattle when trespassing in open Forest, the fees should be collected instead of impounding.

**287.** The following procedure was sanctioned by Government in limited areas in the Central Circle and has since been generally extended to the Presidency Proper :—"Instead of impounding cattle grazing without fees, the trespassing cattle are to be taken into the village to the village officers for the latter to levy the grazing fee from their owners." The above procedure applies to cattle which are the property of villagers and not professional graziers and which are found grazing without passes in pasture or open portion of Forest proper.†

**287a.** The Commissioner may extend the dates fixed for the collection of grazing fees in any district where the fixed date is found to be unsuitable.

Double fees shall be levied on cattle found grazing in Forests without a pass after the fixed date.‡

## IV. Sections 25 (*i*), 31 (*j*) and 75 (*d*), Rules for Protection of Game in Reserved and Protected Forests.

Rules for the protection of game in Reserved and Protected Forests.

**288.** In exercise of the powers conferred by sections 25 (*i*), 31 (*j*) and 75 (*d*) of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890), and in supersession of Government Notification No. 6254, dated 25th July 1894, published at page 751 of Part I of the *Bombay Government Gazette* (except in regard to the Province of Sind), His Excellency the Governor in Council, with the previous sanction of the Governor General in Council, is pleased

* Government Resolution No. 5763, dated 17th July 1885.
† Government Resolution No. 2555, dated 12th April 1899.
‡ Government Resolution No. 8461, dated 1st November 1904.

**IV. Sections 25 (i), 31 (j) and 75 (d), Protection of Game.**

...b prescribe the following rules to regulate hunting, shooting, poisoning of water an...etting of traps or snares in the Protected and Reserved Forests of the Bomba...Presidency including Sind :—

Acts which are absolutely prohibited.

1. The following acts are absolutely prohibited in a... Reserved and Protected Forests :

(*a*) The poisoning of rivers and other waters and the explosion of dynamit... therein for the purpose of killing or catching fish ;

(*b*) The setting of spring guns ;

(*c*) The taking, wounding or killing of big game, other than tiger, panthe... wolf, hyena, wild dog, pig or bear, over water or salt-licks ;

(*d*) Wounding or killing the females of deer, antelope, or bison ;

(*e*) Wounding or killing any game birds and hares during the close... season fixed in Appendix I.

Setting of snares or traps.

2. The setting of snares or traps is prohibited in all Reserved and Protecte... Forests except with the written permission of the Division... Forest Officer.

A shooting license required.

3. (*a*) In any Reserved or Protected Forests or portions of Reserved ... Protected Forests to which the Local Government ma... for the purpose of strict conservation or for the preservatio... of animals which are becoming rare, or for both these purposes, apply this and th... following rules by a notification published in the *Bombay Government Gazett*... hunting and shooting are prohibited except under a license to be obtained fro... the Conservator of Forests.

Period for which the license is valid.

(*b*) Every license issued under clause (*a*) of this rule shall permit the hold... only to hunt and shoot and shall be valid for a period of on... year from the date of its grant in any Reserved or Protecte... Forest in the Presidency to which these rules are mad... applicable under clause (*a*), subject to the condition that before it has effect in an... Forest Division in which the licensee does not reside or exercise any jurisdictio... it must be countersigned by the Divisional Forest Officer.

Limit to number of head of game which it is permissible to shoot.

(*c*) No such license shall entitle the holder to hun... or shoot more than two stags or bulls of each species ... animal to be specified in the license, according to a list t... be prepared for each Forest Division by the Conservato... of Forests.

Regarding the refusal of licenses.

4. Licenses shall not be refused except for specia... reasons to be stated in writing.

Pursuit of wounded game..

5. Wounded game may be pursued into the fores... of the division adjoining that for which the license is vali... or into a forest closed under Rule 8.

No. 57.

Page 179, line 3 from the top—

*Substitute* the word "excluding" *for* "including" before Sind.

Notification No. 5627, dated 18th August 1903.

**IV. Sections 25 (i), 31 (j) and 75 (d), Protection of Game.**

License not transferable.

6. A license granted under these rules is not transferable.

Persons must produce the license when called upon to do so.

7. Every person to whom a license has been granted under these rules, and who is found hunting, shooting, snaring or trapping in any forest to which these rules apply, shall, on demand by any Forest, Police or Revenue Officer, produce his license.

Regarding specially closed areas against shooting.

8. The Conservator may, on the recommendation of the Divisional Forest Officer and Collector, declare that any particular forest or part of forest is wholly closed for a term of years or annually for a specified reason. He may also prohibit the taking, wounding or killing of any particular species of animal in any specified tract of forest, with a view of the preservation of such species, but any such order shall be subject to revision by the Commissioner. To such forests the validity of licenses granted under these rules does not extend or is modified accordingly: provided that Gazetted Officers whose jurisdiction extends to such forests, or persons holding licenses on which the Divisional Forest Officer has endorsed special permission to that effect, may kill pig, tigers and other dangerous or destructive animals in such forests. Such special permission shall not be given for a longer period than one month in any case.

Permission to kill dangerous animals in closed areas.

Penalties.

9. If any person to whom permission under Rule 2 or a license under Rule 3 has been granted commits a breach of any provision of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act V of 1890 or of any rules framed thereunder, he shall be liable to the penalty of having the permission or license, as the case may be, cancelled by the Divisional Forest Officer, in addition to any other penalty to which he may be liable under the Indian Forest Act, 1878 (VII of 1878), or otherwise; an appeal against the cancellation of the permission or the license by the Divisional Forest Officer shall lie to the Collector, and a second appeal in case of dismissal of the appeal by the Collector, to the Commissioner, whose decision shall be final.

Cases in which Forest Guards are to accompany persons shooting.

10. In any case where the Divisional Forest Officer or Conservator thinks it advisable, he may direct that a Forest Guard or other person shall accompany the camp of any license-holder hunting or shooting in forests, with the object of seeing that Forest rules are not infringed by camp followers.

Definition of the word "hunting."

11. The word "hunting," as used in these rules, includes tracking for the purpose of discovering the lie of wild animals, provided that any person holding a license is not prohibited from employing any number of trackers.

Respecting offences under the Forest Act.

12. Nothing in these rules shall be taken to exempt any person from liability in respect of any offence by injuring to the forest or its produce or of any other offence punishable under the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890).

**IV. Sections 25 (i), 31 (j) and 75 (d), Protection of Game.**

13. Nothing in these rules shall be taken to cancel any privileges granted to resident wild tribes except by the express order of the Collector, or to preclude the grant of special permission by the Divisional Forest Officer or Collector to resident villagers on special occasions.

These rules do not cancel Forest privileges.

[*N. B.*—Forest in which wild tribes have been given the privilege of hunting will not generally be notified under Rule 3.]

*Appendix I.*

List of game birds and close seasons.

**288a.** The game birds referred to in Rule 1 (*e*) are as below, and the close season is fixed as follows :—

| For | | | Close season. |
|---|---|---|---|
| Sand-grouse | ... | Pterocles fasciatus ... Pteroclurus exustus ... | 1st April to 30th September. |
| Pea-fowl | ... | Pavo cristatus ... | Do. |
| Jungle-fowl | ... | Gallus sonnerati ... | Do. |
| Spur-fowl | ... | Galloperdix spadicea ... Galloperdix lunulata ... | Do. |
| Partridge | ... | Francolinus vulgaris ... Francolinus pictus ... Ortygornis or Francolinus pondicerianus. | Do. |
| Rain-quail | ... | Coturnix coromandelica ... | Do. |
| Bush-quail | ... | Perdicula argoondah or argunda ... Perdicula asiatica ... Microperdix crythrorhynchus ... | Do. |
| Bustard-quail | ... | Turnix pugnax ... Turnix gondera, or tanki ... Turnix dussumieri ... | Do. |
| Bustard | ... | Eupodotis edwardsi ... | Do. |
| Lik-florican | ... | Sypheotides or sypheotis aurita ... | Do. |
| Whistling-teal | ... | Dendrocygna arcuata or javanica ... | 1st June to 30th September. |
| Cotton-teal | ... | Nettopus coromandelianus ... | Do. |
| Comb-duck | ... | Sarcidiornis melanonotus ... | Do. |
| Spot-bill-duck | ... | Anas poecilorhyncha ... | Do. |

The close season for hares is 1st April to 30th September.*

Rewards for informers under the Game Rules.

**288b.** The Conservator, S. C., is authorised to utilise the revenue derived from shooting licenses for giving rewards to informers.†

## V. Section 39, Duty on Foreign Timber.

No duty leviable on import or export of timber from the Baroda State.

**289.** His Excellency the Governor in Council is pleased to direct that no duty should in future be levied under the Forest Act, VII of 1878, on Baroda State produce passing through or into any part of British territory.‡

* Government Notification No. 5627, dated 18th August 1903, *Bombay Government Gazette*, pages 1021 to 1023, Part I.

† Government Resolution No. 9747, dated 12th October 1906.

‡ Government Resolution No. 8032, dated 28th September 1894.

### V. Section 39, Duty on Foreign Timber.

His Highness the Gaikwar of Baroda undertakes not to levy duty in future upon any British timber passing through Baroda territories, whether by land or by water.*

## VI. Section 41, Rules regulating Forest Produce in Transit.

### A. General.

**290.** Chapter VII of the Indian Forest Act has no reference to forests or lands under forest, whether Government or private, but is intended to give the means of controlling timber and other forest produce (as defined in section 2 of the Act) while in transit, irrespective of the source from which it may have been derived. The object of the chapter is not only to protect the produce of Government forest in transit, but also that obtained from private forests, and especially to prevent misappropriation. The entire chapter would be ineffective if any forest produce was exempted from its operation.†

Necessity of working rules under section 41, Indian Forest Act.

**291.** Every forest pass accompanying imports of forest produce is, legally speaking, null and void as soon as the period for which it was granted expires. A renewed pass is requisite to cover the forest produce to which it relates. But when the delay in transit is such as could not have been foreseen and is due to no fault of the person in charge, it would not be equitable to enforce penalties.‡

Time limit for which a pass is valid.

**292.** Government have no power to direct that a pass or permit shall be required for moving cart-loads of wood within forest limits, and the proper remedy to prevent cart-loads going beyond forest limits without a pass is to watch the forests carefully as the Government of India have already pointed out.§

Forest produce moved within forest limits.

**293.** If wood is brought into one forest from another it has moved out of forest limits.‖

Wood moved from one forest to another.

**294.** Land which is declared to be a reserved or a protected forest does not cease to form part of the village in which it was originally situated merely because it becomes a forest. Therefore proviso (*c*) to No. 3 of the rules under section 41 of the Forest Act dispenses with the necessity of a pass for timber taken from a reserved or protected forest to any other part of the same village in which such forest is situated.¶

Forest produce moving within the limits of a forest village.

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* Letter from the Diwan of Baroda, No. 2265, dated 10th October 1894.

† Government of India, Home Department, No. 532-F, dated 20th June 1883, *vide* Government Resolution No. 5210, dated 12th July 1883.

‡ L. R. No. 1646, dated 22nd December 1883, *vide* Government Resolution No. 470, dated 18th January 1884.

§ Government Resolution No. 7322, dated 15th October 1886.

‖ Government Resolution No. 1384, dated 4th March 1887.

¶ L. R. No. 558, dated 3rd May 1886, *vide* Government Resolution No. 3806, dated 26th May 1886.

## VI. Section 41, Rules regulating Forest Produce in Transit.

### A. GENERAL—*concluded.*

Moving forest produce by rail.

**295.** Railway Companies have not been exempted from the operation of the rules for regulating the transit of timber and other produce published under section 41 of the Forest Act, and it is the duty of the Conservator of Forests to enforce obedience to those rules on the part of the Railway officials, and to seize and detain Railway wagons in which timber, or other forest produce, may be transported in contravention of them. Railway officials, like other persons, must comply with the provisions of the law.*

### B. Rules for Transit of Forest Produce.

Rules for the transit of forest produce.

**296.** Notification No. 4133, dated 9th August 1880, *Bombay Government Gazette*, 1880, Part I, page 689.—Under the provisions of section 41 of the Indian Forest Act, VII of 1878, His Excellency the Right Honourable the Governor in Council is pleased, with the previous sanction of the Government of India, to make the following rules (see note) for regulating the transit of timber and other forest produce :—

NOTE I.—These rules are not in force in Ahmedabad, Kaira and Broach Districts, *vide* Notification No. 2430, dated 22nd March 1883.

NOTE II.—See Appendix B, section 297, page 187, for rules in force in Sind.

1. All words used in these rules and defined in the Indian Forest Act, VII of 1878, as amended by the Forest Act V of 1890, shall be deemed to have the meaning attributed to them respectively by the said Act amended as aforesaid.†

Removal of timber along specified roads.

2. No timber or other forest produce shall be moved into or from any districts in the Presidency of Bombay mentioned in Appendix A, section 296a, page 184, except by the routes therein respectively specified, or by such routes as may be entered in the pass by the Conservator of Forests or by any officer of Government authorized by him in that behalf.‡

Transit pass required to move forest produce.

3. No timber or other forest produce shall be moved within any district of the Bombay Presidency except within the limits of a Reserved Forest (whether a village forest or not) or of a Protected Forest, and except as is hereinafter otherwise provided ; no timber or other forest produce shall be moved from or into any such district without a pass from a Conservator of Forests, or from some officer empowered by a Conservator of Forests, or from some persons duly authorized under Rule 13 to issue such pass, nor otherwise than in accordance with the conditions of such pass :

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* Government Resolution No. 5663, dated 5th August 1889.

† Rule 1 is here given as amended by Notification No. 5586, dated 24th July 1895.

‡ The last sentence of this rule has been added, *vide* Notification No. 1095, dated 22nd February 1881.